

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
2:11 mc 01**

**EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)**

Plaintiff)

v)

**REL COTTAGE, INC., d/b/a COTTAGE)
SALAD STATION DELI & MARKET,)**

Defendant.)

**ORDER TO
SHOW CAUSE**

**TO: Roger Elsberry
Owner
Cottage Salad Station Deli & Market
955 Highway 69
Hayesville, NC 28904**

Equal Employment Opportunity Commission (“EEOC”) has filed an Application for an Order to Show Cause why an administrative subpoena issued to you and dated March 29, 2011 should not be enforced. Subpoena No. CT-011-025 was served on Roger Elsberry, owner, Cottage Salad Station Deli & Market, 955 Highway 69, Hayesville, NC 28904, pursuant to Section 710 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-9 (Title VII) on April 11, 2011, in the investigation of Charge No. 430-2009-00697. The application (#1) filed in this matter alleges that you failed to comply with the subpoena or to respond to the subpoena in any respect. Pursuant to the application (#1) and the memorandum (#2) in support thereof, the undersigned will issue an order directing you to appear as set forth herein.

ORDER

IT IS, THEREFORE, ORDERED that Roger Elsberry, owner, Cottage Salad Station Deli & Market, 955 Highway 69, Hayesville, NC 28904 is hereby **ORDERED** to appear before Dennis L. Howell, United States Magistrate Judge for the Western District of North Carolina in the courtroom of the United States Courthouse in Bryson City, North Carolina on **August 23, 2011 at 2:00** p.m. and to show cause why he should not be compelled to comply with the subpoena previously issued to him. Roger Elsberry is further provided notice that should he fail to appear before the undersigned that the undersigned will then proceed to consider whether or not to issue further process or conduct further proceedings for contempt as set forth under 28 U.S.C. § 636(e).

In accordance with Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), Roger Elsberry is given notice that he has a right to have counsel appear with him in this matter, and that it would be in his best interest to consider retaining an attorney to represent him at the hearing. It is further **ORDERED** that the applicant, EEOC, shall have served upon Roger Elsberry, by personal service, a copy of this order, a copy of the Application for an Order to Show Cause Why Administrative Subpoena Should Not be Enforced. The EEOC shall have these documents served upon Roger Elsberry on or before August 16, 2011. EEOC shall file a certification showing service of the above referenced documents upon Roger Elsberry on or before **August 22, 2011** showing that personal service was made upon Roger Elsberry as set forth herein.

Signed: August 5, 2011

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

